

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

WALTER HIMMELREICH,

Petitioner,

v.

WARDEN CHARLES WARREN,

Respondent.

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Civ. No. 21-5692 (NLH)

MEMORANDUM & ORDER

APPEARANCES:

Walter Himmelreich
13152-067
Fort Dix Federal Correctional Institution
P.O. Box 2000
Joint Base MDL, NJ 08640

Petitioner pro se

Angela Juneau
DOJ - USAO
Office of the U.S. Attorney - District of New Jersey
Suite 700
Newark, NJ 07102

Respondent

HILLMAN, District Judge

Pro se Petitioner Walter Himmelreich is proceeding with a petition for writ of habeas corpus under 28 U.S.C. § 2241. See ECF No. 1. Petitioner challenges the timing of his placement in a halfway house by the Federal Bureau of Prisons. Petitioner argues he should be placed in a halfway house earlier than the October 5, 2021 date he has been given.

On April 12, 2021, this Court ordered Respondent to file a response to Petitioner's habeas petition within thirty days. See ECF No. 3. On May 6, 2021, or less than one week before Respondent's response was due, Respondent filed a request for an extension of time for thirty days in which to file a response to Petitioner's habeas petition. See ECF No. 5.

Respondent seeks an extension of time to file a response not because it necessarily needs more time to prepare a response as is often the case, but because Respondent states Petitioner will be released to a halfway house by June 11, 2021. Thus, Respondent argues if its request is granted, Petitioner's habeas petition will become moot by June 11, 2021. However, given Petitioner's statement in his habeas petition that he will not be released to a halfway house until October, 2021, and lacking any corresponding certified statement from a Federal Bureau of Prisons official that this is not the case, this Court is not inclined to grant Respondent a thirty-day extension of time. Instead, this Court will grant Respondent a shorter fourteen-day extension of time in which to file a response to the habeas petition.

Accordingly, IT IS on this 12th day of May, 2021,

ORDERED that Respondent's request for an extension of time in which to file a response to Petitioner's habeas petition, ECF No. 5, is granted in part; Respondent's response to Petitioner's

habeas petition shall be filed within fourteen (14) days of the date of this order; and it is further

ORDERED that Petitioner may file a reply to Respondent's response within thirty (30) days after Respondent files its response to his habeas petition; and it is further

ORDERED that Respondent shall notify this Court of Petitioner's placement in a halfway house within seven (7) days of Petitioner's placement while this case is pending; and it is further

ORDERED that the Clerk shall serve this memorandum order on Petitioner by regular U.S. mail.

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.